

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MERCURY MULTIFAMILY  
MANAGEMENT, LLC AND MERCURY  
METROPLEX REAL ESTATE II, LLC,

Plaintiffs,

VS.

PELEUS INSURANCE COMPANY,  
ENGLE MARTIN & ASSOCIATES, AND  
RIDGE BRENTON KIRN,

Defendants.

§ § § § § § § § § §

CIVIL ACTION NO. 3:16-CV-2557-D

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE OF PLAINTIFFS' CLAIMS**  
**AGAINST DEFENDANTS ENGLE MARTIN & ASSOCIATES, INC. AND RIDGE KIRN**

Plaintiffs Mercury Multifamily Management, LLC and Mercury Metroplex Real Estate II, LLC (collectively, “Plaintiffs”) and Defendants Peleus Insurance Company, Engle Martin & Associates, Inc., and Ridge Kirn (collectively, “Defendants”) file this Stipulation of Dismissal of Plaintiffs’ Claims against Defendants Engle Martin & Associates, Inc. and Ridge B. Kirn and state:

1. Plaintiffs hereby stipulate and agree to the dismissal of all claims, actions, and/or causes of action against Engle Martin & Associates, Inc. (“EMA”) and Ridge Kirn (“Kirn”) in the above-styled case ***without prejudice*** to refiling of same or any part thereof.

2. Plaintiffs (on the one hand) and EMA and Keen (on the other hand) further stipulate and agree that all costs of suit incurred to date are to be taxed against the party (or parties) incurring same.

3. Plaintiffs' claims, actions, and/or causes of action against Defendant Peleus Insurance Company *are unaffected* by this Stipulation.

WHEREFORE, PREMISES CONSIDERED, in accordance with the foregoing stipulations and agreements of the parties, Plaintiffs and Defendants jointly request that the Court dismiss all claims, actions, and/or causes of action Plaintiffs have asserted against EMA and Kirn in the above-styled case *without prejudice* to refiling of same or any part thereof, with all costs of suit to be taxed against the party incurring same.

Respectfully submitted,

**RAIZNER SLANIA, LLP**

By: /s/ Andrew P. Slania  
Jeffrey L. Raizner  
Texas Bar No. 00784806  
jeff@raiznerlaw.com  
Andrew P. Slania  
Texas Bar No. 24056338  
aslania@raiznerlaw.com  
Amy Bailey Hargis  
Texas Bar No. 24078630  
ahargis@raiznerlaw.com

2402 Dunlavy Street  
Houston, TX 77006  
Telephone: 713-554-9099  
Facsimile: 713-554-9098

**COUNSEL FOR PLAINTIFFS**

-and-

**ZELLE LLP**

By: /s/ James W. Holbrook, III

Steven J. Badger  
State Bar No. 01499050  
sbadger@zelle.com  
James W. Holbrook, III  
Texas Bar No. 24032426  
jholbrook@zelle.com  
Tyler J. McGuire  
tmcguire@zelle.com  
Texas Bar No. 24098080

901 Main Street, Suite 4000  
Dallas, TX 75202-3975  
Telephone: 214-742-3000  
Facsimile: 214-760-8994

**COUNSEL FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing document has been served on all counsel of record on February 24, 2017, in accordance with the FEDERAL RULES OF CIVIL PROCEDURE as follows:

Jeffrey L. Raizner  
Andrew P. Slania  
Amy Bailey Hargis  
efile@raiznerlaw.com  
RAIZNER SLANIA, LLP  
2402 Dunlavy Street  
Houston, TX 77006  
Telephone: 713-554-9099  
Facsimile: 713-554-9098  
***Counsel for Plaintiffs Mercury Multifamily  
Management, LLC and Mercury Metroplex  
Real Estate II, LLC***

/s/ James W. Holbrook, III  
James W. Holbrook, III